

associate concerns at the store level through the Open Door process, if possible. As (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) has valid business justifications to encourage (b) (6), (b) (7)(C) management team to try and resolve associates' concerns directly and immediately in accordance with the Open Door process to maintain harmonious and productive working conditions. As a former (b) (6), (b) (7)(C) and current (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) understood such justifications.

Accordingly, to the extent (b) (6), (b) (7)(C) reminder to (b) (6), (b) (7)(C) constituted a rule (it did not), it did not violate the Act. *See The Boeing Company*, 365 NLRB No. 154 (December 14, 2017) (no violation where rule, when reasonably interpreted, does not prohibit or interfere with Section 7 rights or the potential adverse impact on protected rights is outweighed by justifications associated with the rule).

III. CONCLUSION.

For the foregoing reasons, Walmart did not violate the Act as alleged, and the Company respectfully requests that the Region dismiss (b) (6), (b) (7)(C) First Amended Charge absent withdrawal. Please contact us with any questions or if you require additional information.³

Kind regards,



Steven D. Wheelless
Alan Bayless Feldman

³ Walmart submits the information in this letter for the sole purpose of resolving (b) (6), (b) (7)(C) First Amended Charge and does so based on the minimal information and short time frame provided by the Region. Given those constraints, Walmart may not know material information that could alter, modify, moot, or change the discussion provided here. Therefore, Walmart does not intend that this position statement constitute a complete or comprehensive statement of facts or Walmart's legal position, which could change based on additional information. Walmart specifically reserves all rights and defenses it now or may later possess concerning the First Amended Charge or related issues. Walmart further requests that the NLRB keep all information related to (b) (6), (b) (7)(C) First Amended Charge confidential to the fullest extent permitted by law.

Tab 1

Open Door Communications Policy

Updated: August 10, 2012

At Walmart, our open door philosophy is an integral part of our culture, reflecting a tradition of open communication and a culture of listening to our associates. We encourage and expect all associates to actively participate in making the company a better place to work and shop. The open door process offers each associate an opportunity to bring suggestions, observations, or concerns to the attention of any supervisor or manager without fear of retaliation. We also welcome early identification of opportunities and challenges and mutual resolution of complaints.

This policy applies to all associates who work for Walmart Stores, Inc., or one of its subsidiary companies in the United States (Walmart).

Managers and supervisors should utilize the supplemental Open Door Communications Management Guidelines for additional guidance in administering this policy.

Open door communications

Initiating an open door conversation

Pay for open door activities

Open door communication review

Confidentiality

Open door communications

We encourage associates to use the open door process for open discussions on all matters related to the company and expect associates to treat everyone participating in the process with dignity and respect. Anything related to Walmart is a fair subject to raise in an open door communication, including your ideas, suggestions and concerns. We encourage you to discuss ways to improve customer service and accomplish other operating efficiencies.

While we cannot promise that your views or opinions will always prevail, the open door process ensures that you will always be heard. We will consider your views and opinions along with the views and opinions of other associates in making decisions that will improve the workplace and the company.

Initiating an open door conversation

You are encouraged to give your immediate supervisor the first opportunity to listen to, address, and resolve ideas, suggestions, or concerns. If you have a concern about your supervisor or if you believe your supervisor has not satisfactorily addressed or resolved an idea, suggestion, or concern, you may contact your next level of supervision.

If you want to have an open door discussion with a supervisor or manager from another work location, we encourage you to call or send an e-mail. You must obtain permission from a salaried member of management before traveling to another work location during your work hours for open door activities.

If you have a concern or problem related to the Statement of Ethics, you can also call the Global Ethics Office at 1-800-WMETHIC (1-800-963-8442) or e-mail Ethics@Walmart.com or Compliance@Walmart.com.

Pay for open door activities

If you are a current associate, we strongly encourage you to use the open door during your normal work hours. You will receive compensation for any time you spend on open door activities that occur during your work shift. You will not be compensated for open door activities conducted outside of your working hours, including participation in face to face communication, telephone calls, writing letters or e-mails, preparing other written documents or traveling regarding an open door, unless your supervisor, manager or other member of management expressly directs or authorizes you to engage in open door activities outside your normal work hours.

Open door communication review

Walmart takes all open door communications seriously. We will investigate any complaints or concerns you raise promptly and thoroughly, and will follow up with you on a periodic basis until resolution is obtained and communicated.

It is important for you to cooperate with the individual who reviews your concern and provide accurate information to the best of your knowledge.

During our review and after the review is complete, we may take appropriate action, including suspension and discipline of associates consistent with other company policies.

Retaliation for initiating an open door communication or cooperating in a review relating to any open door communication is strictly prohibited. Any associate who retaliates against another associate for initiating or cooperating in an open door review will be subject to disciplinary action, up to and including termination.

Confidentiality

Walmart will treat concerns, comments and complaints raised through the open door with confidentiality and respect. Those managers involved in reviewing the matter **may not** disclose any specific information to anyone not directly involved in resolving the concern. We will advise or consult only with those who have a need to know about the situation, including witnesses who may have knowledge of the circumstances surrounding the concern and who may be interviewed as a part of the review.

For more information

If you have questions or need further guidance, please contact your HR representative. Additionally, our Guiding Principles may assist you in determining the best course of action if there is no policy providing specific direction for your situation.

This information does not create an express or implied contract of employment or any other contractual commitment. Walmart may modify this information at its sole discretion without notice, at any time, consistent with applicable law. Employment with Walmart is on an at-will basis, which means that either Walmart or the associate is free to terminate the employment relationship at any time for any or no reason, consistent with applicable law.

This information does not create an express or implied contract of employment or any other contractual commitment. Walmart may modify this information at its sole discretion without notice, at any time, consistent with applicable law. Employment with Walmart is on an at-will basis, which means that either Walmart or the associate is free to terminate the employment relationship at any time for any or no reason, consistent with applicable law.

Last Modified: February 1, 2011

Tab 2



Global Statement of Ethics

Non-Retaliation

Associates who come forward with concerns play an important role in maintaining a healthy, respectful and productive workplace, as well as protecting our stakeholders. These associates help our company address problems early — before more serious consequences develop. It's important for each of us to create a work environment where everyone can raise concerns of ethics issues without fear of retaliation.

Retaliation against associates who raise concerns or questions about misconduct will not be tolerated. Concerns should be raised in good faith, which means you have made a genuine attempt to provide honest and accurate information, even if you are later proven to have been mistaken. Walmart reserves the right to discipline anyone who knowingly makes a false accusation or has acted improperly. However, if an associate voluntarily reports they were involved in a violation, self-reporting may be considered when determining the appropriate disciplinary action to be taken.

Walmart will not terminate, demote or otherwise discriminate against associates for raising concerns. Also, it is important for co-workers not to isolate associates who have raised concerns — such associates should be treated with respect. Any change in treatment toward an associate who has raised a concern could be seen as a form of retaliation.

Walmart has an established process to deal with retaliation issues. Associates who believe they have experienced retaliation after raising an ethics concern should report the issue to their manager or Global Ethics.

How to Raise a Concern

Walmart provides a variety of resources for you to raise a question or concern. Depending on the nature of the concern, it may be easiest to talk directly to the person responsible about your concern, providing the person with an opportunity to clarify the issue. If you don't feel comfortable talking to the person responsible, you should consult one of the resources listed below. Self-reporting is encouraged and may be taken into consideration in determining appropriate disciplinary action.

Use the Open Door Communications process

The Open Door Communications process is the most direct way to voice any concern to a manager. If you believe your immediate manager is involved in the problem, discuss the issue with the next level of management who is not involved, use the Open Door Helpline (1-800-530-9929) or use one of the other resources described below.



Contact Global Ethics

Walmart has a Global Ethics Helpline, which is available to associates around the world 24 hours a day, seven days a week, and is equipped to handle most local languages. The helpline is staffed by an organization not affiliated with Walmart, and to the extent possible (and in conformity with local regulations), callers may remain anonymous. In all cases, associate privacy will be respected to the fullest extent possible under the law. The operator will relay the information to Global Ethics and will provide the associate with a case number and callback date if desired. Contact information for Global Ethics is provided below. The Immediately Reportable Criteria outlined on page 9 must be reported through these channels. Country-specific contact information is listed at the back of this document.

Global Ethics Contact Information

Phone

U.S.A., Puerto Rico and Canada:
1-800-WM-ETHIC
[1-800-963-8442]

Specific phone numbers for all countries are listed at the back of this document.

Mail

Wal-Mart Stores, Inc.
Attn: Global Ethics
702 SW 8th Street
Bentonville, AR
72716-0860

Internet

walmartethics.com

Immediately Reportable Criteria

Associates may raise concerns regarding conduct that may violate the Global Statement of Ethics through the various channels listed in the Raising Concerns & Speaking Up section. However, there are certain types of allegations that must immediately be reported to Global Ethics. They are:

Bribery

- Providing, offering, promising, requesting, or receiving any improper or unearned benefit
- Any violation of the company's Global Anti-Corruption Policy or related procedures
- All suspected violations of anti-bribery laws should also be reported, including any violations of the anti-bribery restrictions in the U.S. Foreign Corrupt Practices Act (FCPA) and the U.K. Bribery Act.

Officer Misconduct

- Violations of the Global Statement of Ethics by company officers or direct reports to any company CEO

Fraud or Theft Greater Than \$100,000 and Involving an Associate

Incorrect Records and Accounts

- Interfering with audits or internal controls, falsifying, misrepresenting, or destroying financial records, reports, or data, or improperly concealing, altering, or manipulating financial records, reports, or data

Information System Hacking

- Any conduct involving an associate maliciously gaining unauthorized access to company information systems

Global Corporate Brand Reputation Risks

- Threats to human life, slave or forced labor, human trafficking, or child labor
- Serious criminal misconduct, such as:
 - Bid rigging, price fixing, market or customer division or allocation, or other anti-competitive collusion
 - Insider trading
 - Trade sanctions and export regulation violations
 - Money laundering

Waivers

Any associate can request a waiver of the applicability of this Statement of Ethics. All requests must be submitted in writing to Global Ethics by the associate and must contain the relevant details and facts supporting the requested waiver. Global Ethics will respond in writing to the associate. Where required by law for certain executive officers or board of directors members, requests for waivers will be considered by the audit committee or the full board of directors and approval of such waivers will be promptly disclosed to shareholders.

All waiver requests must be approved in advance of the conduct for which approval is sought.

Discrimination and Harassment Prevention

Q In the break room, another associate called me a disrespectful name associated with my nationality. What should I do?

A Immediately report the incident to management through the Open Door process or contact Global Ethics.

Q A department manager regularly comments about how attractive I am, which makes me feel uncomfortable. What should I do?

A We encourage you to tell the person to stop. If you're not comfortable talking to the person or the activity does not stop, immediately report the issue to management through the Open Door process or contact Global Ethics.

Q Is my desk calendar with occasional stereotypical and sexual jokes appropriate in the workplace?

A No. It could be offensive to someone else in the workplace. If you're in any doubt, remove the item from the workplace.

Q An associate used a word in a meeting that is offensive to me. What should I do?

A Speak up and tell the person if you feel comfortable. Some words are universally offensive but some are not. The associate might not know the word could be offensive to someone else. You also can exercise the Open Door process or contact Global Ethics.

Inappropriate Conduct

Q A customer continues to call me bad names while in my checkout line. What should I do?

A Contact a member of management or Asset Protection in your store.

Wage and Hour

Q My manager asks me to gather carts each evening on my way out to my car. Is this acceptable?

A No. You should tell your manager you have already clocked out and it is a violation of company policy for you to work off-the-clock. You also should report the issue to management through the Open Door process or contact Global Ethics.

Conflict of Interest

Q I've recently invested \$10,000 in my bank's mutual fund program. The fund may invest some of the money in either competitor or supplier stock. Is this a violation?

A If you have no direct control over the investment strategy, it's not a violation.

Q Someone told me I cannot own stock in a supplier. Is this correct?

A Maybe. The restriction is that you may not have any direct financial interest in a supplier whose business you have direct or indirect influence over in your position at Walmart. There are no restrictions against financial interests in suppliers whose business you do not influence.

Tab 3

— TRUE NORTH —

Ethics and Sexual Harrassment

Addendum 14.1

Ethics

SAY...

Ethics is all about doing the right thing. And we expect every Walmart associate and stakeholder around the world to take ownership of Walmart's Ethical Culture. Our Statement of Ethics, found on the WIRE and on WalmartOne, is the policy for our ethical culture, and acts as a resource guide for you. We ask our associates to Act with Integrity: Be Honest, Fair, and Courageous. That means doing what is right even if it may not be popular. Walmart promotes an environment for raising ethics concerns without fear of retaliation, so don't ever be afraid to speak up and share any concerns! To report a concern or ask a question, go to walmartethics.com on the WIRE or call 1-800-WM-Ethic. There are a few things every associate must report immediately to ethics. To review the six items that fall under our Immediately Reportable Criteria, go to TrueNorth on the WIRE. Let's look at them now.

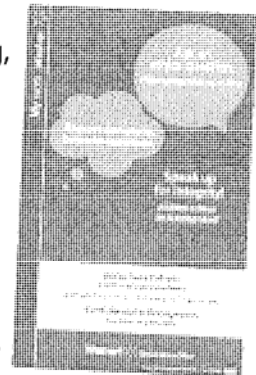


DO: Demonstrate how to get to TrueNorth on the WIRE and show everyone the six items.

Sexual Harassment

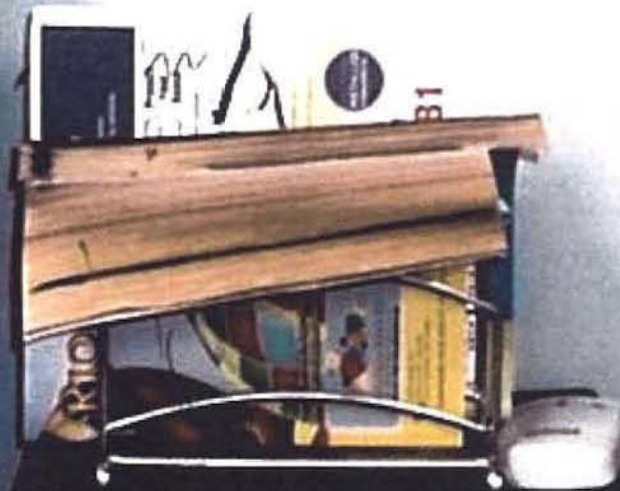
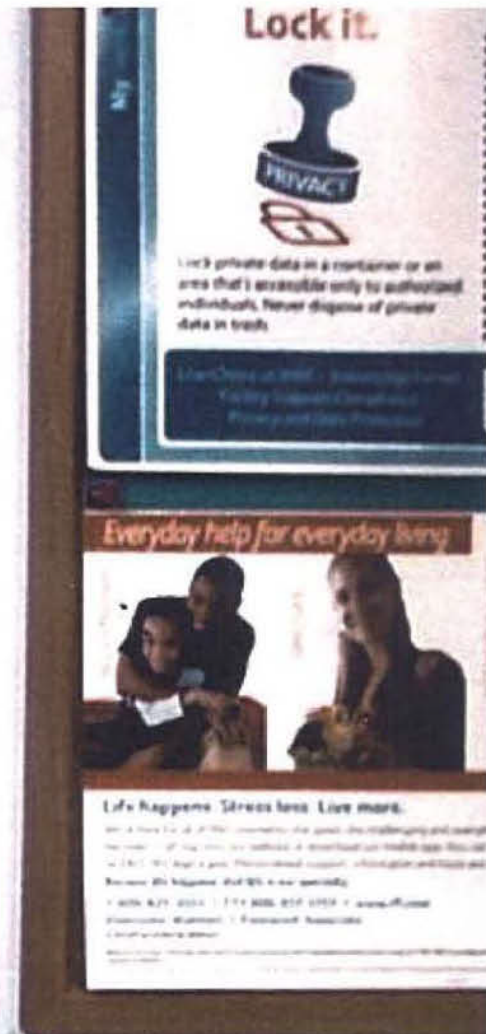
SAY...

Our Discrimination and Harassment Prevention Policy prohibits offensive physical contact such as patting, grabbing, pinching, or intentionally brushing against another person's body. Behavior like this is prohibited regardless of whether it is welcome or unwelcome. Our policy also prohibits such behavior regardless of involved individuals' sex, sexual orientation, race or other status. If you feel you have experienced harassing behavior, please tell your manager, PC/TC, MHRM or contact Ethics right away. To learn more about Sexual Harassment prevention, go to TrueNorth on the WIRE.



DO: Point out the "My work" poster with the Ethics contact information on it.

Tab 4



Facility Use Only
Not For Resale

ANSI
First Aid K

Tab 5

WELCOME TO WALMART

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

- CHECKLIST -

EMPLOYMENT PAPERWORK

- ☒ Associate Information Form
- ☒ Alcohol and Drug Free Workplace Policy
- ☒ EEO Information Form
- ☒ W-4 Form/Document (completed online)
- ☒ Employment Eligibility Form: I-9 (if applicable)
- ☒ WOTC Screening (completed online)
- ☒ Minor School Information (if applicable)
- ☒ State Tax Credit Form (if applicable)
- ☒ Other State Specific Forms (if applicable)

WELCOME

Meet the Management Team

- ☒ My Walmart Story from the Personnel Coordinator & Store Manager
- ☒ Meet the Management
- ☒ We Care Message
- ☒ Expectations & Open Door

Vest and Badge Ceremony

- ☒ Presented Vest & Badge
- ☒ Learn the Walmart Cheer

Store Tour

- ☒ The Backroom
- ☒ Pick-Up Area
- ☒ Entertainment
- ☒ Salesfloor
- ☒ Pharmacy
- ☒ Auto Care Center
- ☒ Hardware & Sporting Goods
- ☒ Grocery
- ☒ Front End

ORIENTATION

Who We Are

- ☒ Our Purpose
- ☒ Core Values & Behaviors

Customer Service

- ☒ 10 Foot Rule
- ☒ Customer Service Model (Greet, Help, Thank)

My First Five Days

- ☒ Job Function & Compliance Training (Pathway or GLMS)
- ☒ Dress Code
- ☒ Clothing, Shoes, & Vest
- ☒ Scheduling
 - Based on customer and your availability
 - Rest break and meal periods

- ☒ How to use the Time Clock
- ☒ Attendance, Punctuality, & Occurrence
 - How to report an absence
 - When you should call in
 - Understanding occurrences
- ☒ Pay Day & Paid Time Off
 - Receiving and viewing your paycheck
- ☒ Safety & Security
 - Emergency Codes
 - Managing a Spill
 - Team Lift
 - Security Awareness (AP-09)

My First 90 Days

- ☒ Retail Training (Pathways)
- ☒ Benefits (Life-Long Learning, Insurance, Discount Card)

TOUCHPOINTS / FOLLOW-UP

- ☒ 14 Day - Asset Protection Tour (People, Merchandise, Facility)
- ☒ 30 Day - Store Manager Follow-Up (Ethics, Labor, Career Discussion)

Tab 6

Wage / Hour Records



What is it?

The falsification of time records, whether for yourself or others, is strictly prohibited. Also prohibited are:

- assisting or instructing others to falsify time records
- clocking in or out for another associate, and
- failing to report or correct time records you know are false.

Violation of this requirement may subject you to disciplinary action, up to and, including termination.

What do I need to know?

- 1** It is your responsibility to accurately record all the hours you work. Do not falsify any time clock records for yourself or another associate.
- 2** If someone gives you the direction to work off the clock ... do not do it! Report the person who made the suggestion to your manager or the Ethics office.
- 3** Walmart and Sam's Club are committed to ensuring all associates are fully paid for the time they work.

Need advice? Have a question or concern?

➤ WalmartEthics.com ☎ **1-800-WM-ETHIC**
1-800-963-8442



**U.S. Ethics
& Compliance**

We do not tolerate retaliation against associates who report ethics concerns. You will not be terminated, demoted or otherwise discriminated against if you report concerns.

My name is Tara and I'm a department manager. I have modular and price changes to complete, and I went to my manager to explain that I could not complete all the tasks by the end of my shift. My manager told me I needed to find a way to get everything completed by the end of the day. I clocked out at my normal time and then went back to my department to continue working until I completed all the tasks. How do I get paid for work I do after clocking out?

-Tara

Tara,

You should accurately report and record all hours you work for the date you performed the work. Indicate actual start and stop times and also include meal periods. This is a very important part of the company's compliance with the law and how we make sure we properly pay you everything you've earned. You must report all the hours you work by the end of the next scheduled shift. We'll credit all of your work hours to you for the date you performed the work.

Sincerely,



Walmart U.S.
Ethics & Compliance